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c 195 Grain Elevator Storage Act

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CHAPTER 195

The Grain Elevator Storage Act

1. In this Act,Interpre-
tation

- (a) "chief inspector" means the chief inspector appointed under this Act;
- (b) "farm produce" means beans, cereal grains, corn or grass seeds produced in Ontario;
- (c) "grain elevator" means any premises on which farm produce is stored;
- (d) "grain elevator operator" means a person who receives or offers to receive farm produce for storage;
- (e) "grain storage receipt" means a receipt in the form prescribed by the regulations and issued by a grain elevator operator in respect of farm produce in storage;
- (f) "regulations" means the regulations made under this Act;
- (g) "stored", when used with respect to farm produce, means delivered to a grain elevator upon terms that the ownership is to remain in the deliverer, and "storage" has a corresponding meaning;
- (h) "weigh-ticket" means a receipt issued by a grain elevator operator to a producer in the form prescribed by the regulations. R.S.O. 1960, c. 167, s. 1.

2.—(1) Subject to an agreement in writing to the contrary, where farm produce is delivered to an elevator and a grain storage receipt is issued, the delivery of the farm produce shall be deemed to be for storage. Delivery
for
storage

(2) A grain elevator operator shall not issue a grain storage receipt for grain delivered upon terms other than for storage unless he marks on the receipt in bold print that the receipt is not a grain storage receipt under this Act. R.S.O. 1960, c. 167, s. 2. Receipt
where grain
not for
storage

3. A contract for the sale of farm produce to the operator of the grain elevator in which it is stored is not enforceable by action unless the contract is written on the grain storage receipt issued for the farm produce and signed by the parties. R.S.O. 1960, c. 167, s. 3. Contract for
sale to be
written

Storage
charges

4. Unless it is agreed in writing to the contrary, farm produce stored in a grain elevator is not subject to any lien, charge or set-off other than for storage charges in respect of the farm produce. R.S.O. 1960, c. 167, s. 4.

R.S.O. 1970,
c. 156 s. 2,
not to apply

5. Section 2 of *The Factors Act* does not apply to farm produce in possession of a grain elevator operator for storage, or to a document of title thereto. R.S.O. 1960, c. 167, s. 5.

Appoint-
ment of
chief
inspector
and
inspectors

6. The Lieutenant Governor in Council may appoint a chief inspector to administer and enforce this Act, and may appoint one or more inspectors who shall carry out such duties as are assigned to them by this Act or the regulations or the chief inspector. R.S.O. 1960, c. 167, s. 6.

Grain
elevator
operator's
licence

7.—(1) No person shall receive or offer to receive farm produce for storage at a grain elevator without a licence as a grain elevator operator issued by the chief inspector in respect of the grain elevator.

Conditions
of licence

(2) The chief inspector may refuse to grant a licence where the applicant is not qualified by experience, financial responsibility or equipment to engage properly in the business of a grain elevator operator.

Suspension,
revocation
or non-
renewal
of licence

(3) The chief inspector may suspend, revoke or refuse to renew a licence for failure to carry out the provisions of this Act or the regulations, or for failure to provide promptly and accurately a grain storage receipt to a producer from whom the grain elevator operator received farm produce for storage. R.S.O. 1960, c. 167, s. 7.

Duties of
chief
inspector

8. Where the chief inspector suspends, revokes or fails to renew the licence of a grain elevator operator, the chief inspector may perform such services and do such acts as he considers necessary to protect the property of the producers of farm produce received for storage at the grain elevator. R.S.O. 1960, c. 167, s. 8.

Grain
storage
receipt

9.—(1) Upon delivery of farm produce for storage, the grain elevator operator shall issue a grain storage receipt.

Not more
than one
receipt

(2) No person shall issue or receive more than one grain storage receipt in respect of the same farm produce. R.S.O. 1960, c. 167, s. 9.

Weigh-
ticket

10.—(1) Where a producer delivers for storage farm produce in more than one delivery, the grain elevator operator shall, for each delivery, issue to the producer a weigh-ticket.

(2) Where a grain elevator operator issues weigh-tickets under subsection 1, he shall issue a grain storage receipt immediately after the last delivery of the farm produce and upon the surrender of the weigh-tickets, but in no case later than ten days from the date of issue of the weigh-ticket first issued. R.S.O. 1960, c. 167, s. 10.

Surrender of
weigh-
tickets
for receipt

11.—(1) Every grain elevator operator shall keep copies of all weigh-tickets issued to each producer in a separate account kept for that purpose only, until he issues grain storage receipts for the full amount of the weigh-tickets.

Copies of
weigh-
tickets

(2) No person shall issue a grain storage receipt or weigh-ticket without making and keeping a complete record of the matters recorded thereon. R.S.O. 1960, c. 167, s. 11.

Records

12.—(1) No person shall sign a grain storage receipt on behalf of a grain elevator operator except a person designated by him.

Signing of
receipts

(2) A grain elevator operator shall report promptly to the chief inspector the name and address of any person designated by him to sign receipts. R.S.O. 1960, c. 167, s. 12.

Report to
chief
inspector

13.—(1) Every licensed grain elevator operator shall insure with an insurer licensed under *The Insurance Act* all farm produce stored by him for which grain storage receipts and weigh-tickets have been issued, against loss or damage by fire, lightning, explosion occurring on the grain elevator premises, windstorm and hail, to the full market value of the farm produce in storage.

Insurance
R.S.O. 1970,
c. 224

(2) Every contract of insurance in which the coverage referred to in subsection 1 is included shall provide that payment thereunder shall not be made without the consent of the chief inspector. R.S.O. 1960, c. 167, s. 13.

Payment of
insurance

14. Every grain elevator operator shall furnish to the chief inspector in such form and at such times as he requires a statement showing the full market value of farm produce in storage at his grain elevator and the particulars of insurance under section 13. R.S.O. 1960, c. 167, s. 14.

Operator to
supply
particulars
of insurance

15.—(1) Subject to subsection 2, no grain elevator operator shall receive for storage any amount of farm produce greater than the storage capacity of his grain elevator.

Storage not
to exceed
capacity

(2) A grain elevator operator may, under *bona fide* contract for storage facilities at the grain elevators of other grain elevator operators licensed under this Act or any Act of the Parliament of Canada, or other person on premises acceptable to the chief inspector, store therein farm produce received for storage at his grain elevator. R.S.O. 1960, c. 167, s. 15.

Contract for
storage in
another
elevator

Farm
produce in
storage to
correspond
to receipts

16. Every grain elevator operator shall at all times have in his grain elevator or in other storage under subsection 2 of section 15 such amounts of farm produce of each kind and grade as will at least equal the total amounts of outstanding grain storage receipts and weigh-tickets issued by him. R.S.O. 1960, c. 167, s. 16.

Inspection

17.—(1) The chief inspector or an inspector may at any time enter any grain elevator and inspect the grain stored and the books and records pertaining thereto.

Idem

(2) Every person, when requested so to do by the chief inspector or an inspector, shall permit inspection of any premises operated as a grain elevator and shall produce and permit inspection of books and records and supply extracts respecting farm produce in storage.

Idem

(3) No person shall hinder or obstruct the chief inspector or an inspector in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information. R.S.O. 1960, c. 167, s. 17.

Offence

18. Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for a first offence and to a fine of not more than \$5,000 or to a term of imprisonment of not more than one year for any subsequent offence. R.S.O. 1960, c. 167, s. 18.

Regulations

19. The Lieutenant Governor in Council may make regulations,

- (a) providing for the licensing of grain elevator operators;
- (b) prescribing the duties of the chief inspector and inspectors;
- (c) prescribing forms and providing for their use;
- (d) respecting any matter necessary or advisable to carry out the intent and purpose of this Act. R.S.O. 1960, c. 167, s. 19.